

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MELBA HARRIS,

Plaintiff,

vs.

DELTA AIR LINES, INC.,
a Delaware corporation,

Defendant.

Case Number: 2:21-cv-11439
Hon. Stephen J. Murphy, III
Magistrate Judge David Parker

DRIGGERS, SCHULTZ & HERBST

By: Mark Kelley Schwartz (P48058)
Attorney for Plaintiff
3331 W. Big Beaver Road, Suite 101
Troy, MI 48084
Tel: (248) 649-6000
Fax: (248) 649-6442
MSchwartz@DriggersSchultz.com

JAFFE RAITT HEUER & WEISS, P.C.

By: Scott Torpey (P36179)
Timothy J. O'Connell (P79737)
Attorneys for Defendant
27777 Franklin Rd., Suite 2500
Southfield, MI 48034
(248) 351-3000
storpey@jaffelaw.com
toconnell@jaffelaw.com

**JOINT MOTION FOR EXTENSION OF CERTAIN DATES ON THE
COURT'S CIVIL CASE MANAGEMENT AND SCHEDULING ORDER**

NOW COME the Plaintiff, Melba Harris ("Plaintiff"), and the Defendant, Delta Air Lines, Inc. ("Delta") (collectively, the "Parties"), by and through their respective attorneys, and pursuant to Fed. R. Civ. P. 6(b) and 16(b)(4), jointly move for an extension of certain dates on the Court's Civil Case Management and Scheduling Order as follows:

1. The above-captioned action arises from a bodily injury allegedly suffered by Plaintiff while a passenger onboard the aircraft during an international flight. Plaintiff's claims alleged arise under the Montreal Convention, a Multilateral Treaty, formally known as the Convention for the Unification of Certain Rules Relating to International Carriage by Air, opened for signature on May 18, 1999, reprinted in S. Treaty Doc. 106-45 at 27 (2000) 1999 WL 33292734 (entered into force November 4, 2003).

2. On October 7, 2021, the Court entered a Scheduling Order in the above-captioned action (ECF No. 8), which includes the following deadlines:

INITIAL DISCLOSURES EXCHANGED BY:	11/10/21
WITNESS LIST DISCLOSURE DUE:	5/30/22
EXPERT WITNESS DISCLOSURES DUE:	Proponent: 5/30/22 Rebuttal: 6/30/22
DISCOVERY ENDS:	9/15/22
DISPOSITIVE MOTIONS DUE:	10/29/22
JOINT FINAL PRETRIAL ORDER DUE:	3/15/23
FINAL PRETRIAL CONFERENCE:	3/22/23, 2:00 p.m.
MOTIONS IN LIMINE DUE:	3/24/23
TRIAL BRIEFS and PROPOSED JURY INSTRUCTIONS DUE:	3/31/23
TRIAL:	4/4/23, 9:00 a.m.

(*Id.*)

3. Since the Court entered the Scheduling Order, the Parties have dutifully pursued written discovery in this matter, with Plaintiffs and Defendant each serving initial disclosures, as well as interrogatories and request for production, and responses and documents responsive to same.

4. Additionally, the Parties have painstakingly negotiated the terms of an impending stipulated protective order for the exchange of confidential information, which will facilitate additional document production. Furthermore, the Parties are negotiating the terms of a stipulated protective order for a physical examination of Plaintiff in lieu of a motion under Fed. R. Civ. P. 35.

5. In addition to the foregoing initial disclosures, written discovery, document production, and stipulations, the Parties have set Plaintiff's deposition for June 9 or 10, 2022.

6. Moreover, in lieu of case evaluation, the Parties have agreed to engage in private facilitative mediation before mediator Lee T. Silver, Esq., on May 25, 2023.

7. In the interests of continuing to advance the progress of the case, conducting the remaining discovery, and maximizing the prospect of settlement at the mediation (and accounting for year-end holidays), the Parties have agreed and

hereby jointly move to extend the remaining dates on the Scheduling Order by approximately eight months as follows:

WITNESS LIST DISCLOSURE DUE:	1/30/23
EXPERT WITNESS DISCLOSURES DUE:	Proponent: 1/30/23 Rebuttal: 3/2/23
DISCOVERY ENDS:	5/15/23
DISPOSITIVE MOTIONS DUE:	6/30/23
JOINT FINAL PRETRIAL ORDER DUE:	11/15/23
FINAL PRETRIAL CONFERENCE:	11/22/23, 2:00 p.m.
MOTIONS IN LIMINE DUE:	12/1/23
TRIAL BRIEFS and PROPOSED JURY INSTRUCTIONS DUE:	12/8/23
TRIAL:	12/12/23, 9:00 a.m.

8. No party will be prejudiced by the requested extension. To the contrary, the Parties and their counsel believe it is in their best interests to extend the foregoing dates to allow for additional discovery in advance of the mediation and allow for motion practice after the mediation if the case is not resolved. Preserving both the Parties' and the Court's resources is good cause for granting the requested extension of time. Fed. R. Civ. P. 6(b) and 16(b)(4).

9. No prior extension of time has been sought by the Parties or by any one party.

WHEREFORE, the Parties jointly request that the Court enter an order amending certain dates on the Scheduling Orders as follows:

WITNESS LIST DISCLOSURE DUE:	1/30/23
EXPERT WITNESS DISCLOSURES DUE:	Proponent: 1/30/23 Rebuttal: 3/2/23
DISCOVERY ENDS:	5/15/23
DISPOSITIVE MOTIONS DUE:	6/30/23
JOINT FINAL PRETRIAL ORDER DUE:	11/15/23
FINAL PRETRIAL CONFERENCE:	11/22/23, 2:00 p.m.
MOTIONS IN LIMINE DUE:	12/1/23
TRIAL BRIEFS and PROPOSED JURY INSTRUCTIONS DUE:	12/8/23
TRIAL:	12/12/23, 9:00 a.m.

Respectfully submitted,

DRIGGERS, SCHULTZ & HERBST

/s/Mark Kelley Schwartz
 Mark Kelley Schwartz (P48058)
 Attorney for Plaintiffs
 3331 W. Big Beaver Road, Suite 101
 Troy, MI 48084
 Tel: (248) 649-6000
MSchwartz@DriggersSchultz.com

JAFFE RAITT HEUER & WEISS, P.C.

/s/Scott R. Torpey
 Scott R. Torpey (P36179)
 Timothy J. O'Connell (P79737)
 Attorneys for Defendant
 27777 Franklin Road, Suite 2500
 Southfield, MI 48034
 (248) 351-3000
storpey@jaffelaw.com
toconnell@jaffelaw.com

CERTIFICATE OF SERVICE

I, Katherine M. Abrignani, state that I am an employee of Jaffe Raitt Heuer & Weiss, P.C., and that on May 3, 2022, I served the foregoing papers and this *Certificate of Service* via the Court's electronic filing system.

/s/Katherine M. Abrignani

Katherine M. Abrignani